

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SOVEREIGN PEAK VENTURES, LLC)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
ANKER INNOVATIONS TECHNOLOGY)	JURY TRIAL DEMANDED
CO., LTD., ANKER TECHNOLOGY)	
CORPORATION, ANKER NORTH)	
AMERICA, LLC, and ANKER USA, INC.,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sovereign Peak Ventures, LLC (“SPV” or “Plaintiff”), by and through the undersigned counsel, hereby brings this action and makes the following allegations of patent infringement relating to U.S. Patent Nos. 6,577,073 (“the ’073 patent”) and 7,204,607 (“the ’607 patent”), (collectively “the Asserted Patents”) against Defendants Anker Innovations Technology Co., Ltd., Anker Technology Corporation, Anker North America, LLC and Anker USA, Inc. (collectively, “Anker”) and alleges as follows upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters:

NATURE OF THE ACTION

1. This is an action for patent infringement. SPV alleges that Anker has infringed and/or is infringing the Asserted Patents, copies of which are attached as Exhibits A-B.
2. SPV alleges that Anker directly infringes and/or has infringed the Asserted Patents by making, using, offering for sale, selling, and/or importing various models of LED bulbs. SPV seeks damages and other relief for Anker’s infringement of the Asserted Patents.

THE PARTIES

3. Plaintiff SPV is a Texas limited liability company with its principal place of business in Plano, Texas.
4. Upon information and belief, Defendant Anker Innovations Technology Co., Ltd. is a Chinese corporation based in Changsha City, China.
5. Upon information and belief, Defendant Anker Technology Corporation is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 113 Barksdale Professional Center, Newark, Delaware 19711 and can be served through its registered agent, Business Filings Incorporation, 108 West 13th Street, Wilmington, Delaware 19801.

6. Upon information and belief, Defendant Anker North America, LLC is a limited liability company organized and existing under the laws of the State of Delaware, with a place of business at 3291 Keller St., Santa Clara, CA 95054 and can be served through its registered agent, Registered Agents Legal Services, LLC, 1013 Centre Road, Suite 403S, Wilmington, Delaware 19805.

7. Upon information and belief, Defendant Anker USA, Inc. is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 3291 Keller St., Santa Clara, CA 95054 and can be served through its registered agent, Registered Agents Legal Services, LLC, 1013 Centre Road, Suite 403S, Wilmington, Delaware 19805.

JURISDICTION AND VENUE

8. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

9. This Court has personal jurisdiction over Anker on the grounds that the Anker U.S. entities are organized in this State and that all Anker defendants have committed infringing acts in this State.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that the Anker U.S. entities are organized in this State and that all Anker defendants have committed infringing acts in this State.

COUNT I – INFRINGEMENT OF THE '073 PATENT

11. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1-7 set forth above, as if set forth verbatim herein.

12. SPV owns by assignment the entire right, title and interest in the '073 patent.

13. The '073 patent was issued by the United States Patent and Trademark Office on June 10, 2003 and is titled "LED Lamp." A true and correct copy of the '073 patent is attached as Exhibit A.

14. Upon information and belief, Anker has directly infringed at least claim 1 of the '073 patent by making, using, testing, selling, offering for sale and/or importing in the United States without authority devices such as the Anker Eufy Lumos Smart Bulb – White & Color (collectively "the Accused Infringing Devices") in an exemplary manner as described below.

15. The Accused Infringing Devices are LED lamps.

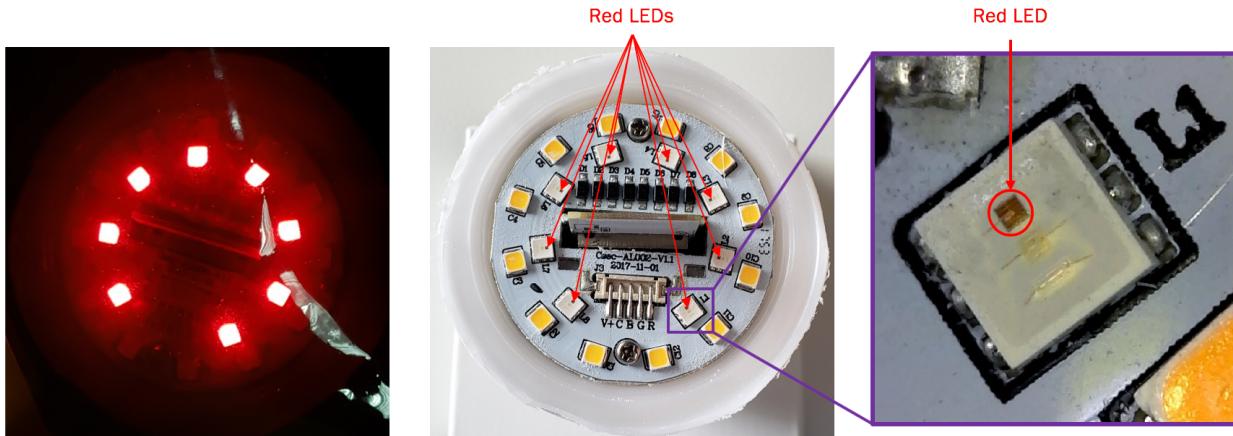


16. The Accused Infringing Devices have a blue LED for producing an emission wavelength falling within a blue wavelength range. Exemplary blue LEDs, which are covered in a yellow phosphor, are shown circled in red in the figures below.

Phosphor-converted white light: Another approach to generating white light is by use of phosphors together with a short-wavelength LED. For example, when one phosphor material used in LEDs is illuminated by blue light, it emits yellow light having a fairly broad spectral power distribution. By incorporating the phosphor in the body of a blue LED with a peak wavelength around 450 to 470 nanometers, some of the blue light will be converted to yellow light by the phosphor. The remaining blue light, when mixed with the yellow light, results in white light. New phosphors are being developed to improve color rendering as shown in Figure 5.

<https://www.lrc.rpi.edu/programs/nlpip/lightinganswers/led/whiteLight.asp>

17. The Accused Infringing Devices have a red LED for producing an emission at a wavelength falling within a red wavelength range.



18. The Accused Infringing Devices have a phosphor that has been photoexcited by the blue LED to exhibit a luminescence having an emission spectrum in an intermediate wavelength range between the blue and red wavelength ranges.

Phosphor-converted white light: Another approach to generating white light is by use of phosphors together with a short-wavelength LED. For example, when one phosphor material used in LEDs is illuminated by blue light, it emits yellow light having a fairly broad spectral power distribution. By incorporating the phosphor in the body of a blue LED with a peak wavelength around 450 to 470 nanometers, some of the blue light will be converted to yellow light by the phosphor. The remaining blue light, when mixed with the yellow light, results in white light. New phosphors are being developed to improve color rendering as shown in Figure 5.

<https://www.lrc.rpi.edu/programs/nlpip/lightinganswers/led/whiteLight.asp>

19. Anker has thus infringed at least claim 1 of the '073 patent by making, using, testing, selling, offering for sale and/or importing the Accused Infringing Devices.

20. Anker's acts of direct infringement have caused damage to SPV, and SPV is entitled to recover damages sustained as a result of Anker's wrongful acts in an amount subject to proof at trial.

COUNT II – INFRINGEMENT OF THE '607 PATENT

21. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1-7 set forth above, as if set forth verbatim herein.

22. SPV owns by assignment the entire right, title and interest in the '607 patent.

23. The '607 patent was issued by the United States Patent and Trademark Office on April 17, 2007 and is titled "LED Lamp." A true and correct copy of the '607 patent is attached as Exhibit B.

24. Upon information and belief, Anker has directly infringed at least claim 9 of the '607 patent by making, using, testing, selling, offering for sale and/or importing in the United States without authority devices such as the Anker Eufy Lumos Smart Bulb – White & Color

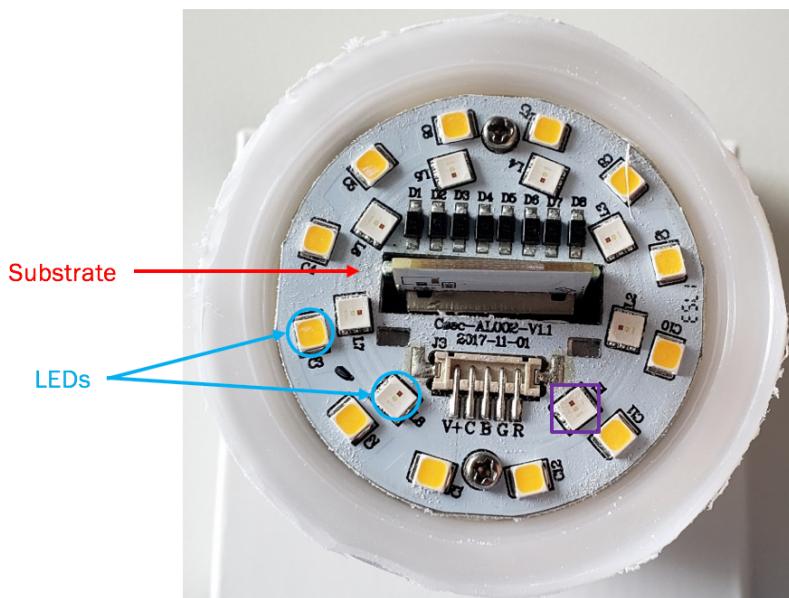


(collectively the “Accused Infringing Devices”) in an exemplary manner as described below.

25. The Accused Infringing Devices are Light emitting diodes (LEDs).



26. The Accused Infringing Devices contain a substrate, a cluster of LEDs, which are arranged two-dimensionally on the substrate and an interconnection circuit which is electrically connected to the LEDs.

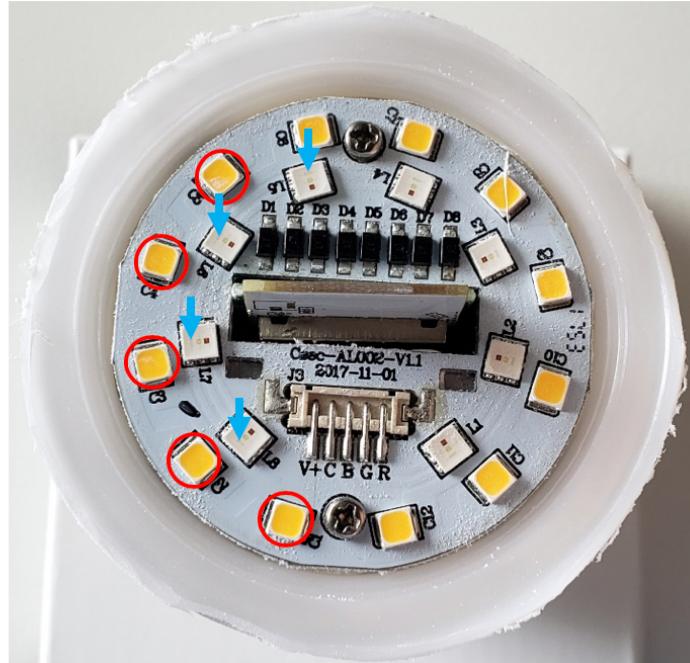


27. The Accused Infringing Devices contain LEDs where a first group of LEDs,

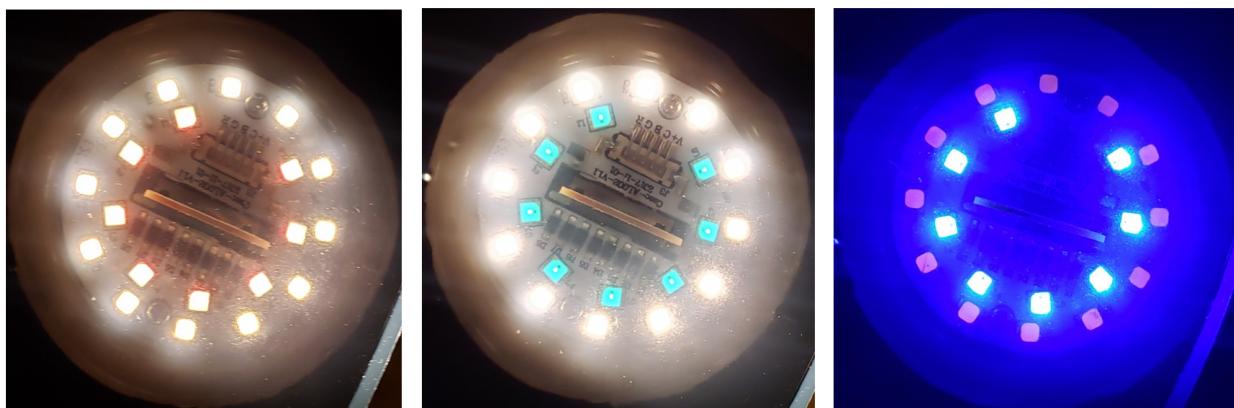
which are located around the outer periphery of the cluster, and a second group of LEDs, which are located elsewhere in the cluster (e.g., toward the center).

First Group of LEDs
(White LEDs)

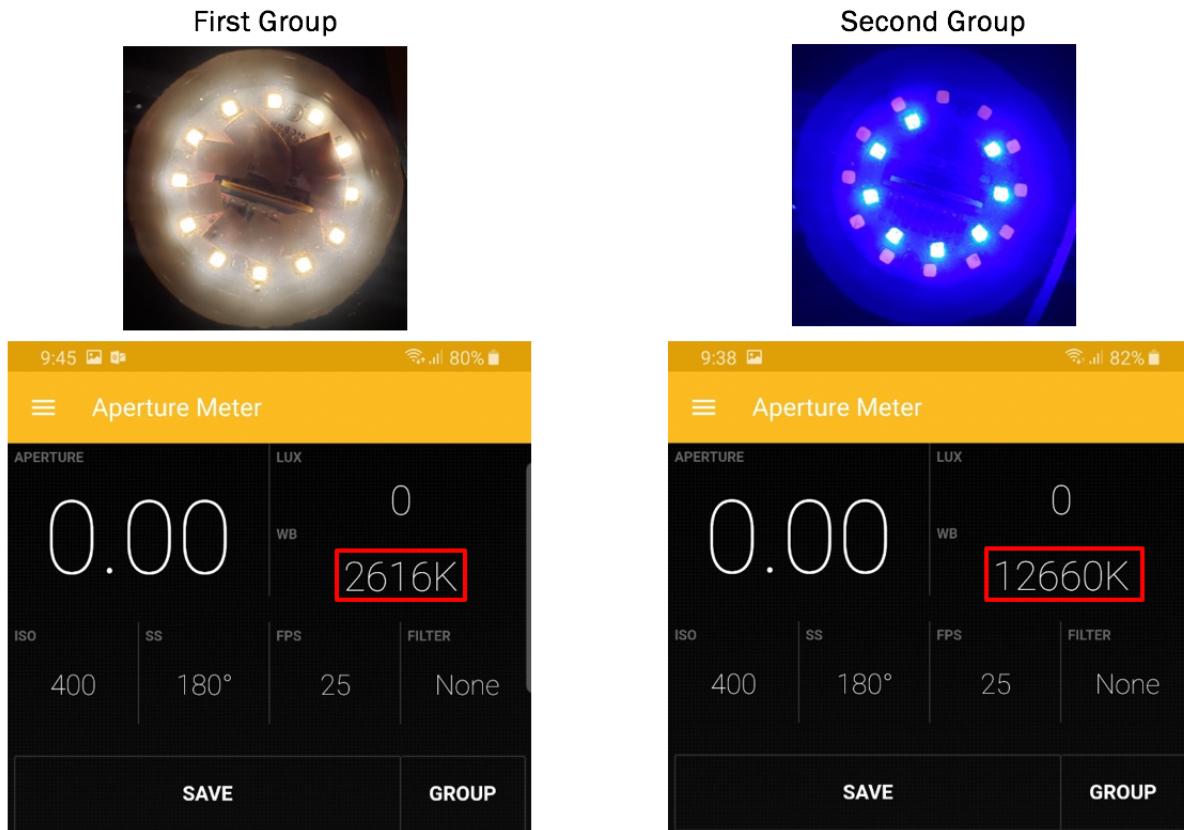
Second Group of LEDs
(Blue LEDs)



28. The Accused Infringing Devices contain an interconnection circuit wherein the interconnection circuit has an interconnection structure for separately supplying drive currents to at least one of the LEDs in the first group and to at least one of the LEDs in the second group separately from each other. One or more of the LEDs in the outer periphery can be operated independently of one or more LEDs located toward the center.



29. The emission of the LEDs from the first group in the Accused Infringing Devices has a lower color temperature than that of the LEDs in the second group.



30. Anker has thus infringed at least claim 9 of the '607 patent by making, using, testing, selling, offering for sale and/or importing the Accused Infringing Devices.

31. Anker's acts of direct infringement have caused damage to SPV, and SPV is entitled to recover damages sustained as a result of Anker's wrongful acts in an amount subject to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, SPV, respectfully prays that the Court enter judgment in its favor and against the Anker defendants as follows:

- a. A judgment that Anker has infringed the '073 patent;

- b. A judgment that Anker has infringed the '607 patent;
- c. A judgment that SPV be awarded damages adequate to compensate it for Anker's past infringement and any continuing or future infringement of the '073 patent and the '607 patent, including pre-judgment and post-judgment interest costs and disbursements as justified under 35 U.S.C. § 284 and an accounting;
- d. That this be determined to be an exceptional case under 35 U.S.C. § 285;
- e. That SPV be granted its reasonable attorneys' fees in this action;
- f. That this Court award SPV its costs; and
- g. That this Court award SPV such other and further relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, SPV demands a trial by jury for all issues so triable.

Dated: April 10, 2019

Respectfully submitted,

/s/ Stamatis Stamoulis
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